THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11814 of 2007

Dated 22nd June 2007

Between:

D.Prabhakara Rao

... Petitioner

and

The Govt. of A.P., rep. by its Principal Secretary,
Department of Revenue, Secretariate,
Hyderabad & another

... Respondents

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WRIT PETITION No. 11814 OF 2007

O R D E R:

Petitioner states that he entered into an agreement of sale with the owner of the land admeasuring 400 sq.yards in Sy.No.51/1B and 54A12/B of Adivivaram village and Grampanchayat, Visakhapatnam District. According to him, the agreement executed by the owner, was presented to the

2nd respondent for registration. The grievance of the petitioner is that the 2nd respondent is neither receiving the document, nor admitting it for registration, on the ground that the lands situated in and around Visakhapatnam Rural Mandal, were prohibited, through a Gazette Notification dated 25.8.2000. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

While the Stamp Act stipulates the amount of stamp duty payable on a document, the Registration Act prescribes the procedure to be followed, while admitting a document into registration. The Registering Authority is not expected to adjudicate upon the title, in relation to the property covered by the document. Recently, the Registration Act has been amended by including Section 22-A. The circumstances, under which the Registering Authority can refuse registration, are mentioned in Clauses (a) to (e) of sub-section (1). Unless and until the property of the petitioner covered by the document falls into any of those categories, the respondents cannot refuse registration. In case, he finds that the document cannot be registered, for any reasons, he is under obligation to communicate the same to the petitioner within a reasonable time.

Hence, the writ petition is disposed of, directing the respondent to receive and process the document presented by the petitioner, in accordance with the provisions of the Stamp Act and the Registration Act, as amended through Act 19 of 2007,
and take necessary steps within a period of one week from the date of receipt of the document. In case the document cannot be registered, he shall communicate the reasons in writing, within that period.
There shall be no order as to costs.

22nd June 2007

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